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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,924	01/30/2002	Hisayoshi Tsubaki	FJ-2001-041-US	7396
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MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			PERUNGAVOOR, SATHYANARAYA V	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,924

Applicant(s)

TSUBAKI ET AL.

Examiner

Sath Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/30/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/30/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 12-14, 19 and 21-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (US 5,737,491).

Regarding claim 1, Allen et al. discloses an image recording method, comprising (Fig. 1):

an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject (27 on Fig. 1 and Col. 2 Lines 63-65);

a display step of displaying, on the basis of the subject information, subject information on a display device of the digital camera (16 on Fig. 1; It would be inherent that the viewfinder would display the subject information.);

a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device (10 on Fig. 1; It would be inherent to use a digital camera equipped with a viewfinder to confirm and take photographs.); and

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a recording step of recording the photographed image of the subject in connection with the identification information loaded in the information loading step (22 on Fig. 1 and Col. 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.).

Regarding claim 2, Allen et al. discloses the image recording method according to claim 1, wherein the image recorded in connection with the identification information is saved to a database (Col. 3 Lines 11-23 and Lines 45-48).

Regarding claim 3, Allen et al. discloses the image recording method according to claim 2, wherein the subject information contains at least one of the subject's photograph and name (Col. 2 Lines 66-67 and Col. 4 Lines 21-22; Cited reference shows that the information such as name and photograph are combined in one file and then stored.).

Regarding claim 4, Allen et al. discloses the image recording method according to claim 2, wherein the recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 12, Allen et al. discloses the image recording method according to claim 1, wherein the subject information contains at least one of the subject's photograph and name (Col. 2 Lines 66-67 and Col. 4 Lines 21-22; Cited reference shows that the information such as name and photograph are combined in one file and then stored.).

Regarding claim 13, Allen et al. discloses the image recording method according to claim 1, wherein the recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 14, Allen discloses an image transmitting method, comprising (Fig. 1):

an input step of inputting destination information from an external device to a digital camera, the information being indicative of a destination of an image (27 on Fig. 1; Col. 3 Lines 1-2 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines.);

a photographing step of photographing a subject using the digital camera (10 on Fig. 1);

a recording step of recording the photographed image of the subject in connection with the destination information input in the input step (Col. 2 Lines 66-67 and Col. 4 Lines 21-22); and

a transmitting step of transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image (Col. 3 Lines 1-2 and 35-38).

Regarding claim 19, Allen et al. discloses an image recording apparatus, comprising (Fig. 1):

an input device which reads subject identification information and subject information from a recording medium having the identification information and the subject information recorded thereon (Col. 3 Lines 8-10);

a display device which displays the subject information on the basis of the read subject information (16 on Fig. 1; It would be inherent that the viewfinder would display the read subject information.);

a photographing device which photographs the subject (10 in Fig. 1); and

a recording device which records the photographed image of the subject in connection with the read identification information (Col. 4 Lines 21-22; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.).

Regarding claim 21, Allen et al. discloses the image recording apparatus according to claim 19, further comprising a communication device which transmits the image recorded in connection with the identification information, to the database (Col. 3 Lines 11-23 and Lines 45-48).

Regarding claim 22, Allen et al. discloses the image recording apparatus according to claim 19, wherein the recording device records the identification information in a header part of an image file in which the photographed subject image is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 23, Allen et al. discloses an image recording method, wherein (Fig. 1):

added-to-image information added to an image of a subject and display information associated with the added-to-image information are input to a digital camera from an external device (27 on Fig. 1; Col. 2 Lines 63-65);

the digital camera displays the display information on a display device thereof on the basis of the display information input from the external device (16 on Fig. 1; It would be inherent that the viewfinder would display the inputted information.); and

after photographing the subject, records an image of the subject and also records the added-to-image information input from the external device in connection with the image (22 on Fig. 1 and Col. 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.).

Regarding claim 24, Allen et al. discloses the image recording method according to claim 23, wherein the display information is used by a photographer to check at least

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either the contents or correctness of the added-to-image information added to the subject image (16 on Fig. 1; It would be inherent to check correctness of the added-to-image with the viewfinder.).

Regarding claim 25, Allen et al. discloses the image recording method according to claim 24, wherein the display information is either test information or image information which can be displayed on the display device (16 on Fig. 1; It would be inherent to display the image information on the viewfinder.).

Regarding claim 26, Allen et al. discloses the image recording method according to claim 24, wherein the added-to-image information is binary information, and the display information is text information corresponding to the binary information (Col. 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.).

Regarding claim 27, Allen et al. discloses the image recording method according to claim 24, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 28, Allen et al. discloses the image recording method according to claim 23, wherein the display information is either test information or image

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information which can be displayed on the display device (16 on Fig. 1; It would be inherent to display the image information on the viewfinder.).

Regarding claim 29, Allen et al. discloses the image recording method according to claim 23, wherein the added-to-image information is binary information, and the display information is text information corresponding to the binary information (Col. 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.).

Regarding claim 30, Allen et al. discloses the image recording method according to claim 23, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 31, Allen et al. discloses the image recording method according to claim 23, wherein the added-to-image information contains at least either numerical locational information on the subject or identification information already imparted to the subject (Col. 3 Lines 8-10).

Regarding claim 32, Allen et al. discloses the image recording method according to claim 31, wherein the display information is used by a photographer to check at least either the contents or correctness of the added-to-image information added to the

subject image (16 on Fig. 1; It would be inherent to check correctness of the added-to-image with the viewfinder.).

Regarding claim 33, Allen et al. discloses the image recording method according to claim 32, wherein the display information is either test information or image information which can be displayed on the display device (16 on Fig. 1; It would be inherent to display the image information on the viewfinder.).

Regarding claim 34, Allen et al. discloses the image recording method according to claim 32, wherein the added-to-image information is binary information, and the display information is text information corresponding to the binary information (Col. 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.).

Regarding claim 35, Allen et al. discloses the image recording method according to claim 32, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 36, Allen et al. discloses an image recording system, comprising (Fig. 1):

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an external device which outputs added-to-image information added to an image of a subject and display information associated with the added-to-image information (27 on Fig. 1; Col. 2 Lines 63-65); and

a digital camera comprising (10 on Fig. 1):

a display device which displays the display information on the basis of the display information input from the external device (16 on Fig. 1; It would be inherent to display the image information on the viewfinder.); and

a recording device which records an image of the subject after the subject has been photographed and records the added-to-image information input from the external device, in connection with the image (10 on Fig. 1; 22 on Fig. 1 and Col. 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-10, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. in view of Clapper (US 6,023,241).

Regarding claim 5, Allen et al. discloses the image recording method according to claim 1, wherein the information loading step comprises:

a step of reading the subject identification information from a recording medium having the identification information recorded thereon (Col. 3 Lines 8-10);

a step of reading the subject information corresponding to the read identification information from a database having the subject information already stored in connection with the subject identification information (Col. 3 Lines 19-23); and

However, Allen does not disclose a transmitting step of transmitting the subject information read from the database to the digital camera.

Clapper discloses a transmitting step of transmitting the subject information read from the database to the digital camera (Col. 7 Lines 28-31).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Allen with Clapper to create a digital camera that receives to subject information from a database, since cameras come with limited memory and large amounts of data would be stored in a server or database. Hence, some form of communication is needed to retrieve the stored data.

Regarding claim 6, Clapper discloses the image recording method according to claim 5, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing (Fig. 6; Cited reference discloses an camera with distinct

modes, which splits to the image acquisition and data transmission modes and one would be inhibited for performing both.).

Regarding claim 7, Allen et al. discloses the image recording method according to claim 5, wherein the subject information contains at least one of the subject's photograph and name (Col. 2 Lines 66-67 and Col. 4 Lines 21-22; Cited reference shows that the information such as name and photograph are combined in one file and then stored.).

Regarding claim 8, Allen et al. discloses the image recording method according to claim 5, wherein the recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded (Col. 4 Lines 21-22 and 62-65).

Regarding claim 9, Clapper discloses the image recording method according to claim 5, wherein:

the step of reading the identification information reads plural pieces of identification information so that these pieces can be accumulated (Col. 6 Lines 51-54);
and

the transmitting step transmits the identification information and the subject information in response to an information obtainment request from the digital camera (Col. 7 Lines 28-31).

Regarding claim 10, Clapper discloses the image recording method according to claim 9, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing (Fig. 6; Cited reference discloses an camera with distinct modes, which splits to the image acquisition and data transmission modes and one would be inhibited for performing both.).

Regarding claim 15, Allen et al. discloses an image recording apparatus, comprising (Fig. 1):

- an input device which reads identification information on a subject from a recording medium having the information recorded thereon (Col. 3 Lines 8-10);

- an information transmitting device which reads subject information corresponding to the read identification information, from a database having the subject information already stored in connection with the subject identification information and transmitting the subject information read from the database, together with the identification information read from the recording medium (34 on Fig. 1; Col. 3 Lines 19-23 and 35-38);

- a photographing device which photographs the subject (10 in Fig. 1); and

- a receiving device which receives the identification information and the subject information (34 on Fig. 1);

a recording device which records the photographed subject image in connection with the received identification information (Col. 4 Lines 21-22; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.).

However, Allen et al. does not disclose a display device which displays the subject information on the basis of the received subject information;

Clapper discloses a display device which displays the subject information on the basis of the received subject information (Fig. 1; Col. 7 Lines 8-15).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Allen with Clapper to create a display device that displays the subject information based on the received information. Since, viewing of information stored in a server or database would require a display device with a receiver.

Regarding claim 17, Allen et al. discloses the image recording apparatus according to claim 15, further comprising a communication device which transmits the image recorded in connection with the identification information, to the database (Col. 3 Lines 5-10).

Regarding claim 18, Allen et al. discloses the image recording apparatus according to claim 15, wherein the recording device records the identification

information in a header part of an image file in which the photographed subject image is recorded (Col. 4 Lines 21-22 and 62-65).

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. in view of Hamilton (NPL reference see PTO-892).

Allen et al. discloses the digital camera records the photographed image on the basis of the loaded recorded image information.

However, Allen et al. does not disclose the image information containing at least one of image format, the number of pixels, compression rate, file size, and image aspect ratio.

Hamilton discloses the image information containing at least one of image format, the number of pixels, compression rate, file size, and image aspect ratio (Pages 5-6; It is also common knowledge in the art that this type information is usually stored in an image file, as can be seen in technologies such as JPEG.).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Allen et al. with Hamilton to add image information containing at least one of image format, the number of pixels, compression rate, file size, and image aspect ratio. Since, any information can be added to the header one would add all relevant information to make the classification of images easier.

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4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. in view of Clapper as applied to claim 15 above, and further in view of Schmitt et al. (US 5,865,745).

Allen et al. and Clapper met the claim limitations as set forth in the discussion for claim 15.

However, neither Allen et al. nor Clapper disclose a recording medium that is a card having a bar code and a card reader.

Schmitt et al. discloses a recording medium that is a card having a bar code and card reader (Fig. 4 and 78 on Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Allen et al. and Clapper with Schmitt et al. to include a card with bar code and a card reader. Since, card with bar code reduces error and time involved with data entry.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. in view of Schmitt et al.

Allen et al. meets the claim limitations as set forth in the discussion for claim 19.

However, Allen et al. does not disclose a recording medium that is a card having a bar code and a card reader.

Schmitt et al. discloses a recording medium that is a card having a bar code and card reader (Fig. 4 and 78 on Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Allen et al. with Schmitt et al. to include a card with bar code and a card reader. Since, card with bar code reduces error and time involved with data entry.

Other Prior Art Cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

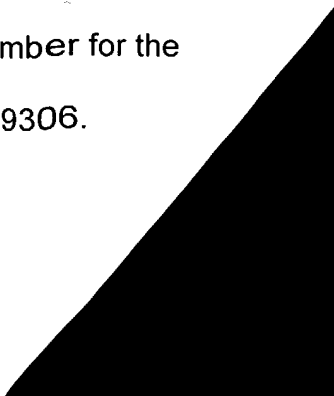
Aragaki (US 4,992,887) discloses an image classification method using header information.

Mukai (US 4,768,099) discloses an image classification method with medical applications.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sath Perungavoor whose telephone number is (703) 306-4116. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta whose telephone number is (703) 308-5246, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sath Perungavoor
Art Unit 2625
November 22, 2004


KANJIBHAI PATEL
PRIMARY EXAMINER